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E-filed 1/4/08

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) No. CR 07-70709 HRL

15 Plaintiff,)

16 v.)

17 DAVID LOUIS BEHAR,)
LINDSAY ROBIN HOGUE,)
18 TARA BERGSTRAND, and)
JOHN ROGER LAGACE)

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE HEARING

20 Defendants.)

22 Defendants and the government, through their respective counsel, hereby stipulate that,
23 subject to the court's approval, the hearing dates in the above-captioned matter, presently
24 scheduled for Tuesday, January 8, 2008, at 9:30 a.m. (for Defendants HOGUE, BERGSTRAND,
25 AND LAGACE) and Thursday, January 10, 2008, at 11:00 a.m. (for Defendant BEHAR), be
26 continued to Thursday, January 24, 2008, at 9:30 a.m. The continuance has been requested in
27 order to allow each defense counsel an opportunity to review discovery and discuss the matter
28 with their client. Furthermore, the government anticipates providing additional discovery and

1 possibly settlement offers.

2 The parties further agree and stipulate that time should be excluded from their respective
3 currently scheduled preliminary hearing date: January 8, 2008 (for Defendants HOGUE,
4 BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR) through and
5 including January 24, 2008, for ongoing defense preparation, pursuant to Speedy Trial Act, 18
6 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree that
7 granting the requested exclusion of time will serve the interest of justice and outweigh the
8 interest of the public and defendant in a speedy trial.

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10 DATED: December 19, 2008

SCOTT N. SCHOOLS
United States Attorney

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/s/
JEFFREY B. SCHENK
Assistant United States Attorney

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/s/
PETER LEEMING
Attorney for Mr. Behar

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/s/
GEOFFREY BRAUN
Attorney for Ms. Hogue

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/s/
LARA VINNARD
Attorney for Ms. Bergstrand

/s/
JERRY FONG
Attorney for Mr. Lagace

ORDER

The parties have jointly requested a continuance of the hearing set for January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR).

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR) be continued to January 24, 2008 at 9:30 a.m. as well as the period of delay from January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR), to and including January 24, 2008, be excluded for purposes of Speedy Trial Act computations pursuant to 18 U.S.C. §3161.

IT IS SO ORDERED.

DATED: 1/3/08

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE